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TOBIN, CARBERRY, O'MALLEY, RILEY, SELINGER, P.C.
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EXAMINER

COLLINS, MICHAEL

ART UNIT	PAPER NUMBER
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3651

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/569,518	Applicant(s) OPHEIM, STYRK	
	Examiner Michael K. Collins	Art Unit 3651	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 February 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "28" has been used to designate both candy and display. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: "1", "32", "34", "42", "52". Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the

filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: "47". Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-7, and 9-17 rejected under 35 U.S.C. 102(b) as being anticipated by Durbin (USP 5,339,250).

Regarding claim 1, Durbin discloses a system for delivery of product units from a vending machine to a customer, comprising:

- a control central (10)
- a closed vending machine (11-15) comprising a control unit (75) configured to control conditions for delivery of the product units from the closed vending machine (see column 8 lines 12-37); and configured (77) to register information about product content in the closed vending machine, that wherein the control central is configured to continuously collect information about the product content from the control unit and is configured to control the conditions of delivery in the closed vending machine for each customer, wherein the conditions of delivery are sent to the control unit (see column 8 lines 38-61).

Regarding claim 2, Durbin discloses a system according to claim 1, wherein the control central is configured to continuously register the products units that are delivered to the customer, and wherein the product unit that the customer buys is debited by the control center automatically, after the purchase (see column 8 lines 38-61)..

Regarding claim 3, Durbin discloses a system according to claim 1, wherein the control unit is programmed via the control central to regulate which of the products units can be delivered from the vending machine, and which of the products units are blocked from delivery (see column 8 lines 12-37);.

Regarding claim 4, Durbin discloses a system as in any of the preceding claims, wherein the control central comprises arrangements to rebate the customer for some or all products in the closed vending machine.

Regarding claim 5, Durbin discloses a system according to claim 1, wherein the closed vending machine is configured to be operated by a feed-unit, wherein said feed-unit is selected from a group comprising a keyboard (20), a remote control unit (18) and another wireless unit (27).

Regarding claim 6, Durbin discloses a system according to claim 1, wherein a TV set (21) is connected to the control central, and the vending machine is arranged to be operated via the remote control (20) of the TV set.

Regarding claim 7, Durbin discloses a system according to claim 1, wherein access to the vending machine is conditioned by the use of a correct room key, wherein the access to the room gives a corresponding access to the closed vending machine against a simultaneous invoicing of all withdrawals (see column 9 lines 2-53).

Regarding claim 9, Durbin discloses a system according to claim 1, wherein said conditions of delivery that are controlled comprise delivery of the products units which are subjected to restrictions of at least one of age limits and time related restrictions (see column 8 lines 12-37).

Regarding claim 10, Durbin discloses a system according to claim 9, further comprising a display (35) coupled to the closed vending machine and configured shaped analogously to a TV screen to show selection possibilities and also to present information.

Regarding claim 11, Durbin discloses a system according to claim 1, wherein the closed vending machine is located in a hotel room, and the control central is operated from the hotel reception by an operator.

Regarding claim 12, Durbin discloses a system for delivery of product units from a lobby vending machine to a plurality of customers, comprising:

- a control central (10)
- a closed vending machine (11-15); placed in a common area, comprising a control unit being configured to control conditions for delivery of the product units from the vending machine, and configured (21,23) to register information about the product content in the closed vending machine, wherein the control central controls the conditions for delivery in relation to which products units can be delivered from the vending machine to the customer, and which product units are prevented from being delivered (see column 2 lines 23-68 and column 3 lines 1-35 respectively).

Regarding claim 13, Durbin discloses a system according to claim 12, wherein the closed-vendor machine is located in a hotel facilities; selected from the group consisting of lobbies, well-being departments, spa and massage parlors, swimming pools, fitness rooms, squash and tennis courts, discos, restaurants, internet cafes, and cinemas (see column 2 lines 54-57).

Regarding claim 14, Durbin discloses a method for delivery of product units from a vending machine to a customer, comprising:

- a control central (10)

- a vending machine (11-15) comprising a control unit (75) that controls conditions for delivery of the product units from the vending machine; and registers information about product stock in the vending machine, wherein the control central continuously collects information about product stock from the control unit and wherein the conditions for delivery in the vending machine are controlled by an operator that inserts conditions for a customer that are sent to the control unit (see column 10 lines 2-17).

Regarding claim 15, Durbin discloses a method according to claim 14, wherein the control central registers the products units that are delivered to the customer continuously, and debits the customer automatically, after the purchase the product unit (see column 8 lines 52-58).

Regarding claim 16, Durbin discloses a method according to claims 14 or 15, wherein the bar vending machine releases the product unit from the vending machine stock and delivers the chosen product unit to the customer via a delivery chute (32) if the control of the control unit cancels the blocking function (see column 8 lines 12-38).

Regarding claim 17, Durbin discloses a system according to claim 12, wherein the closed vending machine is located in public areas selected from the group consisting of travel terminals, companies, and schools.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

8. Claims 8, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Durbin as applied to claims 1-7, and 9-17 above, and further in view of Tomassi (USPGPUB 2003/0130762).

Regarding claim 8, Durbin discloses a system according to claim 5, further comprising another storing body (77) and is used in combination with a code (see column 9 lines 24-36) that can be keyed into the feed unit to activate the closed vending machine (see tables I-II). However, he does not disclose a corresponding card reader coupled to the vending machine, wherein said card reader reads at least one of a magnetic card. Tomassi discloses a corresponding card reader (16) coupled to the vending machine (10), wherein said card reader reads at least one of a magnetic card (20). Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to modify Durbin by including in the system a corresponding card reader coupled to the vending machine, wherein said card reader

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reads at least one of a magnetic card, as disclosed by Tomassi, for the purpose of identification (see paragraph [0020]).

Regarding claim 18, Durbin discloses a system according to claim 12, further comprising another storing body (77) and is used in combination with a code (see column 9 lines 24-36) that can be keyed into the feed unit to activate said closed vending machine (see tables I-II). However, he does not disclose a corresponding card reader coupled to the vending machine, wherein said card reader reads at least one of a magnetic card. Tomassi discloses a corresponding card reader (16) coupled to the vending machine (10), wherein said card reader reads at least one of a magnetic card (20). Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to modify Durbin by including in the system a corresponding card reader coupled to the vending machine, wherein said card reader reads at least one of a magnetic card, as disclosed by Tomassi, for the purpose of identification (see paragraph [0020]).

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael K. Collins whose telephone number is (571) 272-8970. The examiner can normally be reached on 8:30 am - 5:00 pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene O. Crawford can be reached on (571) 272-6911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

M.C.
4/25/2007


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